

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALVIN AUBREY ROE,

Defendant.

CR-17-16-GF-BMM-4

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 31, 2023. (Doc. 328.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 30, 2023. (Doc. 327)

The United States accused Alvin Roe, (Roe) of violating his conditions of supervised release 1) by using marijuana; 2) by failing to follow the instructions of his probation officer on three separate occasions; 3) by failing to report to his probation officer as directed; 4) by failing to notify his probation officer of his

arrest by law enforcement; 5) by failing to notify his probation officer of a change in residence; and 6) by committing another crime. (Doc. 326.)

At the revocation hearing, Roe admitted that he had violated the terms of his supervised release 1) by using marijuana; 2) by failing to follow the instructions of his probation officer on three separate occasions; 3) by failing to report to his probation officer as directed; 4) by failing to notify his probation officer of his arrest by law enforcement; and 5) by failing to notify his probation officer of a change in residence. Judge Johnston dismissed alleged violation 8 on the Government's motion. (Doc. 327.) Judge Johnston found that the violation Roe admitted proves serious and warrants revocation of his supervised release and recommends a custodial sentence of 4 months, with 10 months of supervised release to follow, with the first 90 days of supervised release in a secure inpatient drug treatment facility such as Connections Corrections. (Doc. 328.) Roe was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 327.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 328) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Alvin Aubry Roe be sentenced to the Bureau of Prison for 4 months 10 months supervised release to follow, with the first 90 days of

supervised release spent in a secure drug treatment facility such as Connections Corrections.

DATED this 31st day of May 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United State District Court